

SIXTY-THIRD DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
April 28, 1931.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 181.

The Chair laid before the Senate as special order the following bill:

By Senator Cousins:

S. B. No. 181, A bill to be entitled "An Act to amend Chapter 42, General Laws of the State of Texas, Forty-first Legislature, Second Called Session so as to further regulate the operation of vehicles on the public highways."

Read second time.

The Chair substituted for this bill the following House bill:

H. B. No. 336, A bill to be entitled "An Act to amend Chapter 42, General Laws of the State of Texas, Forty-first Legislature, Second Called Session, so as to further regulate the operation of vehicles on the public highways, etc., and declaring an emergency."

Read second time.

Senator Woodul sent up the following amendment:

Amend H. B. No. 336, of Advance Printing copy, page 2, line 56, by striking out sub-division (c) of section 3 thereof, and inserting in lieu thereof a new sub-division (c) to read as follows:

"C". No motor vehicle, commercial motor vehicle, truck-tractor, trailer, or semi-trailer, shall exceed a length of thirty (30) feet, and no combination thereof coupled together shall exceed a total length of thirty-five (35) feet, unless said combination is operated exclusively within the limits of an incorporated city or town."

WOODUL.

The amendment was read.

Senator Williamson sent up the following amendment to the amendment:

Amend the Woodul amendment by

striking out the figures 30 ft. and insert in lieu thereof 40 ft. and the figures 35 ft. and insert in lieu thereof 60 ft.

WILLIAMSON.

The amendment to the amendment was read.

Senator Loy sent up the following substitute for the amendment to the amendment:

Substitute to the amendment to the amendment to House Bill No. 336, Section 3a, sub-section C, page 2, line 56, by striking out all of Sub-section C and insert in lieu thereof the following: "No motor vehicle shall exceed a length of thirty five (35) feet and no combination of vehicles coupled together shall exceed a total length of forty-five (45) feet unless, and in no instance shall more than two units be coupled together and operated on the Highway at the same time, said combination is operated exclusively within the limits of an incorporated City or Town."

LOY.

The substitute was read.

Senator Williamson withdrew the amendment to the amendment.

Senator Loy withdrew his substitute for the amendment to the amendment.

Senator Rawlings sent up the following substitute for the amendment by Senator Woodul.

Substitute for the pending amendment:

"(c) No vehicle shall exceed a length of thirty-five (35) feet and no combination of vehicles coupled together shall exceed a total length of sixty (60) feet, unless said combination is operated exclusively within the limits of an incorporated city or town."

RAWLINGS.

The substitute was read.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 153. S. B. No. 505.
S. B. No. 307.

Messages from the House.

Hall of the House of Representatives,
Austin, Texas, April 28, 1931.

Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. J. R. No. 1 by a vote of 109 yeas, and 4 nays.

The House has failed to pass to engrossment:

H. B. No. 341, A bill to be entitled "An Act establishing at Meridian, in Bosque county, Texas, the Central Texas Teachers College, conditioned upon acquiring good title to the college property of Meridian College now located at Meridian, Texas, for the purposes of said teachers college; providing for the acceptance of title to said property; providing for the transfer of same to the State; providing for the operation of said State Teachers College by the Board of Regent of the State Teachers Colleges, and making it subject to the provisions of the laws of this State regents of the State Teachers Colleges, enacting other provisions incidental to the purpose of the act, and declaring an emergency."

That the House has passed the following resolutions:

S. C. R. No. 15, providing for a portrait of Ex-Governor Moody.

S. C. R. No. 40, recalling S. B. No. 371 from the Governor's office for correction.

H. C. R. No. 54, directing the Secretary of State to dispose of certain metal stereotype plates.

The House has passed finally the following Joint Resolution:

H. J. R. No. 31, Proposing an amendment to Section 26, of Article 3, of the Constitution of Texas, by adding thereto Section 26a, providing that under no apportionment shall any county be entitled to more than five representatives unless the population of such county shall exceed five hundred thousand people; providing for the apportionment in counties of more than five hundred thousand people; providing for its submission to the voters as required by the Constitution and making an appropriation therefor.

(With engrossed rider.)

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 28, 1931.

Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 171, A bill to be entitled "An Act regulating the production, sale, dispensation and other traffic in narcotic drugs as defined herein; making exceptions; providing for the identification of said drugs and the containers thereof and for the execution of prescriptions and orders therefor; providing for the confinement, treatment and parole of persons addicted to such drugs; providing for the making of reports by persons affected by this Act; providing for the revocation of the licenses of physicians for violating the provisions hereof; regulating the planting, cultivating and use of drug producing plants and declaring as common nuisances places resorted to by drug addicts and prohibiting the visiting of such places; providing for the seizure of conveyances of said drugs; providing generally the means and method of enforcement and for the prosecution and confinement of persons violating the provisions hereof; providing for presumptions and burden of proof; prescribing offenses, fines, penalties and punishment; providing for the adoption of rules and regulations and for the enforcement of certain provisions by the State Board of Health and the State Health Officer and for the seizure of drugs."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 28, 1931.

Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the difference between the two Houses on Senate Bill No. 275. The following are conferees on the part of the House:

Holland, Reader, Hughes, Jackson, and Harman.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate

Bill No. 311. The following are conferees on the part of the House:

Moffett, DeWolfe, Johnson of Dimmitt, Stevenson, and Keller.

The House has passed the following bill and resolution:

H. B. No. 628, A bill to be entitled "An Act to provide for the compressing of cotton at the nearest compress which is transported over the public highway by carriers for hire by motor vehicle; fixing a penalty, and declaring an emergency."

H. J. R. No. 6, Proposing an amendment to Article VIII of the Constitution of the State of Texas by adding thereto Section 1a; exempting all homesteads from taxation except so much thereof as exceeds two thousand dollars in valuation.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 28, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 359. The following are conferees on the part of the House:

Keller, Terrell of Val Verde, Harrison of El Paso, Pope, and Lemens.

The House has refused to concur in Senate amendments to House Bill No. 470 and requests the appointment of a conference committee to adjust the difference between the two Houses. The following are appointed on the part of the House:

Metcalf, Alsup, Dowell, Johnson of Dallam, and Magee.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

S. C. R. No. 41.

Senator Purl sent up the following resolution:

Whereas, the Senate is informed that in response to an invitation, extended by the Texas Legislature some days ago, U. S. Senator Edward P. Costigan, the distinguished Senator from Colorado, will be in Austin on Thursday of this week, April 30th,

1931, for the purpose of addressing the Texas Legislature; and

Whereas, due to the crowded condition of the calendar and the short length of time the present Session has to run, it is believed impractical to have this address during the day.

Therefore Be It Resolved by the Senate of Texas, the House concurring, that there be a joint session of the House and Senate for the purpose of hearing the above address and that such joint session shall convene at seven-thirty P. M. on Thursday, April 30th, 1931.

PURL.

Read and adopted.

Free Conference Request.

On motion of Senator Woodward the Senate refused to concur in House amendments to S. B. No. 359 and asked for a Free Conference Committee.

Motion to Concur.

Senator Neal moved to concur in House amendments to S. C. R. No. 15. The motion prevailed.

Motion to Take Up Bill.

Senator Hopkins moved to take up out of its regular order H. B. No. 381.

Recess.

On motion of Senator Stevenson, the Senate, at 12:10 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate, met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

At Ease.

On motion of Senator Oneal, the Senate stood at ease subject to the call of the Chair.

Simple Resolution No. 123.

Senator Beck sent up the following resolution:

Whereas, attention has been called to the Senate Finance Committee that certain gross irregularities in finance matters have occurred in one

or more Departments of State Government, and that our investigation of these matters leads us to believe that there should be further investigation made, in order to intelligently pass on Claims and Accounts now pending, and for protection of the State of Texas in the future.

Therefore, Be It Resolved, that the President of the Senate appoint five members of the Senate to investigate any irregularities that might be presented to the Committee.

Be It Further Resolved, that the Senate Investigating Committee be empowered to request such assistance from any and all State Departments as the Committee may deem necessary to carry out these investigations.

Be It Further Resolved, that the Committee appointed be empowered to appoint a secretary and such other help as may be necessary to carry out the investigation as to shortages and financial irregularities affecting the State and to examine the records of any Department and of any County of this State and to require the attendance of witnesses and the production of instruments, books, etc. Said Committee shall conduct such hearings at any place in this State they may deem advisable and shall adopt rules and regulations regulating their procedure and hearings. Said Committee shall make a report to this Legislature if in session; if not in session, to the Governor of the State of Texas.

Be It Further Resolved, that the expenses of this Committee be paid out of the contingent fund of the Senate.

Beck, Hardin, Purl, Moore and Woodward.

Read and adopted.

Committees Appointed.

The Chair announced the appointment of the following committees:

Members of committee authorized by Simple Resolution No. 123:

Senators Beck, Hardin, Purl, Moore, and DeBerry.

Conferees on S. B. No. 359.

Senators Woodward, Small, Hornsby, Purl, and Martin.

House Bills Referred.

H. B. No. 628 referred to Committee on Highways and Motor Traffic.

H. J. R. No. 6 referred to Committee on Constitutional Amendments.

House Bill No. 381.

The question recurred upon the motion to take up H. B. No. 381. The motion prevailed by the following vote:

Yeas—25.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Nays—3.

Oneal.	Woodruff.
Poage.	

Present—Not Voting.

Greer.

Absent.

Hardin.

Absent—Excused.

Thomason.

The Chair laid before the Senate the following bill:

H. B. No. 381, A bill to be entitled "An Act to amend Article 7089, Chapter 3, Title 122, of the Revised Civil Statutes of Texas, relating to report of corporation."

The committee amendments were adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hopkins, the constitutional rule requiring bills to be read on three several days was suspended and H. B. 381 was put on its third reading an final passage, by the following vote:

Yeas—29.

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hopkins.

Hornsby.	Purl.
Loy.	Rawlings.
Martin.	Russek.
Moore.	Small.
Neal.	Stevenson.
Parr.	Williamson.
Parrish.	Woodruff.
Patton.	Woodul.
Poage.	Woodward.
Pollard.	

Nays—1.

Oneal.

Absent—Excused.

Thomason.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Nays—5.

DeBerry.	Poage.
Loy.	Woodruff.
Oneal.	

Absent—Excused.

Thomason.

REASON FOR VOTE.

I voted nay on the motion to take up out of its order and consider H. B. 381, and also nay on the passage of the bill because of the contents of the opinion of the Attorney General of Texas which I am having made a part of this reason for my votes, and for the further reason that I believe this bill should be held over a day or two for consideration, since it will materially lessen the revenues of the State.

ONEAL.

THE STATE OF TEXAS.

Offices of the Attorney General
Austin, Texas, April 28, 1931.
Senator Ben G. Oneal, Senate Chamber,
Austin, Texas.

Dear Senator: Pursuant to your request we have made a study of House Bill No. 381 as amended by Committee Amendment No. 1 of the Senate in their report dated April 23, 1931. You desire to know what effect the passage of this bill, as amended, would have upon the revenues derived by the State from the payment of franchise taxes by corporations to which said bill is applicable.

It is to be noted that the original bill as introduced in the House only sought to amend Article 7089, Revised Civil Statutes, 1925, as amended by Section 3, Chapter 68, Fifth Called Session, Forty-first Legislature, and to repeal Section 5 of said Chapter 68, which had only to do with reports required to be filed by corporations and did not affect the amount of franchise taxes to be paid by corporations; while the bill as amended by the committee strikes out all after the enacting clause and propose to amend, in addition to Article 7089, Article 7084 as well, which leads with the amount of franchise taxes to be paid by corporations.

The effect of the Committee Amendment is to add to Article 7084 Sections (e) and (f). These sections repeal that portion of Subdivision 88 of Article 1302 which provides for a multiple tax on all corporations organized under that section of said article.

To illustrate the effect of the committee amendment, I call your attention to a case recently tried in the 98th District Court of Travis County wherein the State of Texas was plaintiff and Gulf States Utilities Company was defendant. In this case the State contended for the payment of the franchise tax upon the theory that the defendant was not engaged solely in the business of a public utility, and that its tax should be computed under Subdivision (a) of Article 7084 on the entire capital stock, and that the same should then be multiplied with three, the number of purposes for which such corporation was chartered. The court sustained the State's contention and entered judgment for the State against Gulf States Utilities Corporation for \$23,112.00. If the tax had been computed upon the basis set out in this bill, as amended, the State would have only been entitled to collect a tax of \$6,866.05. It

would have resulted in a net loss to the State in that one case of this one utility company of \$16,245.95.

The judgment in the above case was entered on March 28th of this year. As noted, the original bill did not provide for this basis of taxation as proposed by the committee amendment, which was sent in by the Senate Committee under date of April 23rd and after the judgment was rendered.

The bill, as amended, presents substantially the contention which was made by the Gulf States Utilities Company in the above entitled cause. This case, which was won by the State, is still in litigation, having been appealed by the defendant. There are other cases in which corporations have paid their franchise taxes, under protest, upon the basis demanded by the State. This money, amounting to over \$100,000.00, is now held in escrow. If the State is finally sustained by the appellate courts, which we have every reason to believe it will be, this money, now in escrow, will be paid into the general revenue.

In conversation with the writer you stated that the contention was being made that, under the bill as amended, the State would derive greater revenue than as the law now stands. There is no basis for this argument for, as evidenced by the concrete illustration given above, it results, on the contrary, in a very large loss to the State.

Very truly yours,

JAMES V. ALLRED,
Attorney General.

JVA:W

House Bill No. 336.

The question recurred upon the pending substitute for the amendment to H. B. No. 336.

The substitute for the amendment was lost by the following vote:

Yeas—6.

Cunningham.	Small.
Hornsby.	Williamson.
Rawlings.	Woodruff.

Nays—24.

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
DeBerry.	Holbrook.

Hopkins.	Patton.
Loy.	Poage.
Martin.	Pollard.
Moore.	Purl.
Neal.	Russek.
Oneal.	Stevenson.
Parr.	Woodul.
Parrish.	Woodward.

Absent—Excused.

Thomason.

Senator Loy sent up the following substitute for the amendment:

Substitute for the Amendment to House Bill No. 336, Section 3a, subsection C, Page 2, line 56, by striking out all of Sub-section C and insert in lieu thereof the following:

"No motor vehicle, commercial motor vehicle, truck-tractor, trailer or semi-trailer operating alone shall exceed a length of thirty five (35) feet and no combination of such vehicles coupled together shall exceed a total length of fifty (50) feet, and in no instance shall more than two units be coupled together and operated on the Highway at the same time, unless such vehicle or combination of vehicles is operated exclusively within the limits of an incorporated city or town."

LOY.

The substitute was read.

Senator Martin sent up the following amendment to the substitute:

Amend substitute amendment by striking out the figures 50 and writing instead 45.

MARTIN.

The amendment to the substitute was read.

Senator Loy moved to table the amendment to the substitute. The motion was lost by the following vote:

Yeas—13.

Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Rawlings.
Hornsby.	Small.
Loy.	Williamson.
Moore.	Woodruff.
Oneal.	

Nays—17.

Beck.	Holbrook.
Berkeley.	Hopkins.
Gainer.	Martin.
Greer.	Neal.
Hardin.	Patton.

Poage.
Pollard.
Purl.
Russek.

Stevenson.
Woodul.
Woodward.

Absent—Excused.

Thomason.

The amendment to the substitute was adopted.

The substitute as amended was adopted by the following vote:

Yeas—26.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Russek.
Hopkins.	Small.
Loy.	Stevenson.
Martin.	Woodul.
Moore.	Woodward.

Nays—4.

Hornsby.	Williamson.
Rawlings.	Woodruff.

Absent—Excused.

Thomason.

The amendment as substituted was adopted.

Senator Woodul sent up the following amendment:

Amend H. B. No. 336, advance printed copy, by adding after the last word, page 2, line 22, the following: “; and no motor vehicle, commercial motor vehicle, truck-tractor, trailer or semi-trailer shall be operated on the public highways outside of the limits of an incorporated city or town having a greater weight than five hundred (500) pounds per inch width of tire upon any wheel concentrated upon the surface of the highway.”

WOODUL.

The amendment was read.

Senator Rawlings sent up the following amendment to the amendment:

Amend the amendment to H. B. No. 336 so as to read as follows:

“; and no motor vehicle, commercial motor vehicle, truck-tractor, trailer or semi-trailer having a load of a greater weight than six hundred

(600) pounds per inch width of tire upon any wheel concentrated upon the surface of the highway shall be operated on the public highways outside of the limits of an incorporated city or town.”

RAWLINGS.

Read and adopted.

The amendment as substituted was adopted.

Senator Woodul sent up the following amendments:

Amend H. B. No. 336, advance printing copy, page 2, line 32 by adding after the word “permits” the following:

“limited to periods of ninety (90) days or less and further”

WOODUL.

Read and adopted.

Amend H. B. No. 336, advance printing copy, page 2, line 32 by inserting after the word “haul” the following: “or hauls.”

WOODUL.

Read and adopted.

Amend House Bill No. 336 by adding after the end of Section 5 a new section to be known as Section 6 as follows and by renumbering the other sections accordingly:

“Section 6. That Section 5 of said Chapter be and the same is hereby amended by adding thereto a new section to be known as Section 5 (a) which shall hereafter read as follows:

“Section 5 (a). Upon application for registration of any commercial motor vehicle, truck-tractor, trailer or semi-trailer the applicant shall make an affidavit in the presence of the tax collector or one of his duly authorized deputies showing the weight of said vehicle and the tax collector or deputy before whom same is made, which affidavit shall be kept on file by the collector. The license receipt issued to the applicant shall also show said weight. A copy of said receipt shall be carried at all times by the driver or operator of any such vehicle while same is upon the public highway. Such affidavit or a certified copy thereof may be introduced as evidence showing the weight of said vehicle and such affidavit shall be prima facie evidence of the weight thereof; provided, however, that it may be shown that said affi-

davit is false or that said weight inserted therein is incorrect."

WOODUL.

The amendment was read.

Simple Resolution No. 124.

Senator Cunningham sent up the following resolution:

Whereas, there is now within the bar of the Senate a former member of the Senate of Texas, the Hon. W. P. Sebastian, of Fort Worth, Texas, who long served the State of Texas in various positions of public trust; and is still deeply interested in public affairs,

Now, Therefore, Be It Resolved by the Senate of Texas that he be extended the courtesy of the Senate and be invited to address the Senate.

ONEAL,
RAWLINGS,
CUNNINGHAM.

Read and adopted.

Mr. Sebastian Speaks.

The Chair appointed Senators Cunningham, Oneal, and Rawlings to escort Mr. Sebastian to the platform.

The Chair introduced Senator Cunningham who introduced Mr. Sebastian. Mr. Sebastian briefly addressed the Senate.

Mr. and Mrs. Allred Introduced.

Senator Woodruff introduced to the Senate Mr. and Mrs. Allred of Bowie, Texas, parents of Attorney General James V. Allred.

Motion to Reconsider.

Senator Greer Called up the motion spread on the Journal to reconsider the vote by which H. B. No. 100 was finally passed. The motion to reconsider prevailed.

Senator Moore sent up the following amendments:

Amend H. B. No. 100, by adding a new section:

"Section 2-a. It shall be the duty of the school authorities if and when claims are filed under this Act to set forth the purposes for which the money is to be used, and in no event shall the State Board of Education allow such claim or claims unless

the money thus allowed is to be used to retire indebtedness incurred by reason of original loss of bonus through failure to comply with the consolidation provisions of rural aid law or laws previously enacted. In no event shall the money herein provided be used to pay bonuses to teachers or increase the salaries in the future. Each school district receiving funds hereunder shall, within sixty days after receiving such funds file a report with the State Board of Education showing how the funds were expended. Violation of the provisions of this section shall bar said district from participating in rural aid for a period of two years.

MOORE,
PURL.

Read and adopted unanimously.

Amend H. B. No. 100 by adding at the end of Section 3, the following:

"In the event the amount of money remaining in the rural aid fund for the biennium of 1929 and 1931 is insufficient to pay all approved claims in full, said funds shall be appropriated pro rata among the districts whose claims are approved, and all claims must be filed hereunder not later than June 1, 1931.

MOORE,
PURL.

Read and adopted unanimously.

Amend the caption of H. B. No. 100 to conform to the body of the bill as amended.

MOORE,
PURL.

Read and adopted unanimously.

The bill was finally passed by the following vote:

Yeas—16.

Berkeley.	Oneal.
Cousins.	Parr.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Martin.	Stevenson.
Moore.	Williamson.
Neal.	Woodruff.

Nays—7.

DeBerry.	Loy.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	

Absent.

Beck.	Russek.
Cunningham.	Woodul.
Parrish.	Woodward.
Rawlings.	

Absent—Excused.

Thomason.

Senator Greer spread on the Journal a motion to reconsider the vote by which the bill was finally passed.

Senator Greer gave notice that tomorrow he would call up the motion to reconsider.

Motion to Set Special Order.

Senator Neal moved to set S. B. No. 74 as special order next Friday immediately following the morning call. The motion prevailed by the following vote:

Yeas—15.

Berkeley.	Neal.
Gainer.	Oneal.
Greer.	Purl.
Hardin.	Stevenson.
Hornsby.	Woodruff.
Loy.	Woodul.
Martin.	Woodward.
Moore.	

Nays—5.

Cousins.	Patton.
Holbrook.	Poage.
Hopkins.	

Present—Not Voting.

DeBerry.	Williamson.
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Absent.

Beck.	Pollard.
Cunningham.	Rawlings.
Parr.	Russek.
Parrish.	Small.

Absent—Excused.

Thomason.

Free Conference Report.

Senator Woodward sent up the following Free Conference Committee report:

Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate,
Hon. Fred H. Minor, Speaker of the House of Representatives,
Sirs: We, your conference com-

mittee, heretofore appointed to adjust the difference between the Senate and the House, having duly considered S. B. No. 359 and the amendment adopted by the House, which amendment strikes out of line 28, page 2, the words "such injured employee" and substitutes in lieu thereof the following words, "the party requesting the examination," beg to report that after due consideration we have reached an agreement whereby we have eliminated the House amendment from the bill but we have rewritten Section 2 of Section 4 and in lieu of said Section 2 of said Section 4, we have adopted the following language, to-wit:

"When authorized by the board the Association shall have the privilege of having any injured employee examined by a physician or physicians of its own selection, at reasonable times, at a place or places suitable to the condition of the injured employee and convenient and accessible to him. The Association shall pay for such examination and the reasonable expense incident to the injured employee in submitting thereto. The injured employee shall have the privilege to have a physician of his own selection present to participate in such examination. Provided, when such examination is directed by the board at the request of the association, the association shall pay the fee of the physician selected by the employee, such fee to be fixed by the Board."

We therefore, recommend that Senate Bill No. 359 as amended by your conference committee be passed and that this report be in all things adopted.

Respectfully submitted,

WOODWARD,
PURL,
HORNSBY,
MARTIN,
SMALL,

On part of the Senate.

KELLER,
TERRELL of Val Verde,
LEMENS,
HARRISON of El Paso,
POPE.

On part of the House.

Read and adopted by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Williamson.
Hornsby.	Woodruff.
Loy.	Woodul.
Martin.	Woodward.
Moore.	

Absent.

Parrish.	Rawlings.
Pollard.	

Absent—Excused.

Thomason.

Notice of Intent.

Senator Hopkins gave notice that on Thursday of this week, he would call up the motion spread on the Journal to print H. B. No. 225 on minority report.

Senate Bill No. 594.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Williamson:

S. B. No. 594, A bill to be entitled "An Act amending Article 4006 by adding Article 4006-A, providing further exceptions to Article 4005 providing certain railways and certain other companies may issue passes and extend certain privileges to Indian War veterans; providing generally therefor; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Williamson the constitutional rule requiring bills to be read on three several days was suspended and S. B. 594 was put on its third reading and final passage, by the following vote:

Yeas—24.

Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hopkins.
DeBerry.	Hornsby.
Gainer.	Loy.
Greer.	Martin.

Moore.	Purl.
Neal.	Rawlings.
Oneal.	Stevenson.
Parr.	Williamson.
Patton.	Woodul.
Poage.	Woodward.

Absent.

Beck.	Russek.
Parrish.	Small.
Pollard.	Woodruff.

Absent—Excused.

Thomason.

Read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Loy.	Woodul.
Martin.	Woodward.
Moore.	

Absent.

Beck.	Russek.
Parrish.	Woodruff.
Pollard.	

Absent—Excused.

Thomason.

Senate Bill No. 593.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Purl:

S. B. No. 593, A bill to be entitled "An Act to amend Article 2930 of the Revised Civil Statutes of 1925; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Purl, the constitutional rule requiring bills to be read on three several days was suspended and S. B. 593 was put on its third reading and final passage, by the following vote:

Yeas—24.

Berkeley.	Cunningham.
Cousins.	DeBerry.

Gainer.	Oneal.
Greer.	Parr.
Hardin.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Stevenson.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Beck.	Small.
Parrish.	Woodruff.
Russek.	

Absent—Excused.

Pollard.	Thomason.
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Read third time and finally passed.

Senate Bill No. 360.

Senator Woodward called up from the table the following bill:

By Senator Woodward:

S. B. No. 360, A bill to be entitled "An Act amending Section 12d of Article 8306 of the Revised Civil Statutes of the State of Texas of 1925, relating to the review of awards made by the Industrial Accident Board upon a change of condition, mistake or fraud within the compensation period, and declaring an emergency."

The committee substitute was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. 360 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Loy.	Woodul.
Martin.	Woodward.
Moore.	

Absent.

Beck.	Woodruff.
Parrish.	

Absent—Excused.

Pollard.	Thomason.
Russek.	

Read third time and finally passed by the following vote:

Yeas—22.

Berkeley.	Neal.
Cousins.	Oneal.
DeBerry.	Parr.
Greer.	Patton.
Hardin.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodward.

Absent.

Beck.	Pollard.
Cunningham.	Russek.
Gainer.	Small.
Parrish.	Woodruff.

Absent—Excused.

Thomason.

Senate Bill No. 608.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Parr:

S. B. No. 608, A bill to be entitled "An Act for the conservation, protection, preservation and distribution of the underground water supply of the State; defining powers and duties of the Board of Water Engineers for said purpose, providing for plugging, casing or capping wells to prevent contamination of fresh water supply; prescribing a penalty for violating any provisions of this Act; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 608 was put on its third reading and final passage, by the following vote:

Yeas—24.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Oneal.
DeBerry.	Parr.
Gainer.	Patton.
Greer.	Poage.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Loy.	Woodul.
Martin.	Woodward.

Absent.

Beck.	Russek.
Parrish.	Small.
Pollard.	Woodruff.

Absent—Excused.

Thomason.

Read third time and finally passed by the following vote:

Yeas—21.

Berkeley.	Oneal.
Cousins.	Parr.
DeBerry.	Patton.
Greer.	Poage.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Loy.	Woodul.
Moore.	Woodward.
Neal.	

Absent.

Beck.	Pollard.
Cunningham.	Russek.
Gainer.	Small.
Martin.	Woodruff.
Parrish.	

Absent—Excused.

Thomason.

House Bill No. 795.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 795, A bill to be entitled "An Act to amend Article 6269 of the Revised Civil Statutes of Texas, as amended by the Acts of 1929, Forty-first Legislature, First Called Session page 283, Chapter 113, providing for deputies in any county having a population of more than one hundred and thirty thousand and less

than one hundred and fifty thousand inhabitants, as shown by the latest United States census, and containing two cities of fifty thousand or more population, each, as shown by said census, said county composing two or more judicial districts, by adding Section 6869a; repealing all laws and parts of laws in conflict with the amendment herewith provided for, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 795 was put on its third reading and final passage, by the following vote:

Yeas—22.

Berkeley.	Neal.
Cousins.	Oneal.
DeBerry.	Parr.
Greer.	Patton.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Absent.

Beck.	Poage.
Cunningham.	Pollard.
Gainer.	Russek.
Parrish.	Small.

Absent—Excused.

Thomason.

Read third time and finally passed by the following vote:

Yeas—22.

Berkeley.	Neal.
Cousins.	Oneal.
DeBerry.	Parr.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Absent.

Beck.	Patton.
Cunningham.	Poage.
Gainer.	Russek.
Parrish.	Small.

Absent—Excused.

Thomason.

Senate Bill No. 223.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Woodul:

S. B. No. 223, A bill to be entitled "An Act amending Article 2666 of the Revised Statutes of Texas of 1925, said article relating to new school districts created at eleemosynary institutions in emergency."

Read third time and finally passed by the following vote:

Yeas—22.

Berkeley.	Neal.
Cousins.	Oneal.
DeBerry.	Parr.
Greer.	Patton.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Absent.

Beck.	Poage.
Cunningham.	Pollard.
Gainer.	Russek.
Parrish.	Small.

Absent—Excused.

Thomason.

Senate Bill No. 554.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Small:

S. B. No. 554, A bill to be entitled "An Act to amend Section 28, Chapter 274, Acts of the Regular Session of the Forty-first Legislature; and declaring an emergency."

Read third time and finally passed by the following vote:

Yeas—23.

Berkeley.	Hardin.
Cousins.	Hopkins.
Cunningham.	Hornsby.
Gainer.	Loy.
Greer.	Martin.

Moore.
Neal.
Oneal.
Parr.
Patton.
Rawlings.
Russek.

Small.
Stevenson.
Williamson.
Woodruff.
Woodul.
Woodward.

Nays—3.

DeBerry.
Holbrook.

Purl.

Absent.

Beck.
Parrish.

Poage.
Pollard.

Absent—Excused.

Thomason.

Senate Bill No. 357.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Woodward:

S. B. No. 357, A bill to be entitled "An Act amending Section 121 of Article 8306 of the Revised Civil Statutes of the State of Texas of 1925 relating to the wages of an employee who was a minor when injured, and providing that any minor employed in any hazardous or other employment prohibited by the laws of this State, shall be entitled to receive compensation under the terms and provisions of the Workmen's Compensation Act, but that no person, firm or corporation shall be excused for employing any minor in any hazardous employment or other employment prohibited by any Statute of this State, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 357 was put on its third reading and finally passage, by the following vote:

Yeas—21.

Berkeley.
Cousins.
DeBerry.
Greer.
Hardin.
Holbrook.

Hopkins.
Hornsby.
Loy.
Martin.
Moore.
Neal.

Oneal.
Parr.
Purl.
Rawlings.
Stevenson.

Williamson.
Woodruff.
Woodul.
Woodward.

Absent.

Beck.
Cunningham.
Gainer.
Parrish.
Patton.

Poage.
Pollard.
Russek.
Small.

Absent—Excused.

Thomason.

Read third time and finally passed
by the following vote:

Yeas—21.

Berkeley.
Cousins.
DeBerry.
Greer.
Hardin.
Holbrook.
Hopkins.
Hornsby.
Loy.
Martin.
Moore.

Neal.
Oneal.
Parr.
Purl.
Rawlings.
Stevenson.
Williamson.
Woodruff.
Woodul.
Woodward.

Absent.

Beck.
Cunningham.
Gainer.
Parrish.
Patton.

Poage.
Pollard.
Russek.
Small.

Absent—Excused.

Thomason.

Recess.

Senator Woodul moved to recess
until tomorrow morning at 10
o'clock.

Senator Woodruff moved to recess
until 9:30 o'clock tomorrow morn-
ing.

Senator Hornsby moved to recess
until 9 o'clock tomorrow morning.

The motion to recess until 10
o'clock prevailed by the following
vote:

Yeas—14.

Cousins.
Hardin.
Holbrook.

Loy.
Martin.
Moore.

Hopkins.
Oneal.
Parr.
Purl.

Rawlings.
Stevenson.
Woodul.
Woodward.

Nays—6.

Berkeley.
DeBerry.
Hornsby.

Neal.
Williamson.
Woodruff.

Absent.

Beck.
Cunningham.
Gainer.
Greer.
Parrish.

Patton.
Poage.
Pollard.
Russek.
Small.

Absent—Excused.

Thomason.

At 6:03 o'clock p. m., the Senate
recessed.

APPENDIX.

Committee on Enrolled Bills.

Committee Room.

Austin, Texas, April 27, 1931.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 505
carefully examined and compared
and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 27, 1931.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills have had S. B. No. 307
carefully examined and compared
and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 28, 1931.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills have had S. B. No. 153
carefully examined and compared
and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 40 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 371 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, April 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 562 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 218 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 202 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 27, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 20 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 27, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. J. R. No. 9 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 27, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 12 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

S. B. No. 274, A bill to be entitled "An Act to add to the Revised Statutes of Texas for 1925, a new Article to be known as Article 6243a, authorizing and empowering cities and towns having a population of ten thousand or more, according to the last preceding Federal Census, to adopt and to put into effect a plan or system for the pensioning of all city employees and to provide for the payment of such pensions wholly or partially out of the public treasury, and providing further that no funds shall be paid out of the treasury of any such incorporated city or town in carrying out such system or plan, except on a majority vote of the voters of such city or town; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following committee amendment:

Substitute the words "having a population of over 160,000 or more" for "having a population of ten thousand or more" wherever the same appears in the bill.

ONEAL, Chairman.

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 550, A bill to be entitled "An Act amending Article 1034 and

1035, of the Code of Criminal Procedure of 1925, so as to hereafter make the approval of Officers' felony accounts to be made by the District Judge, subject to and conditional with the approval of the State Comptroller; providing for the recording of such approval in the Minutes of the District Court; providing that the District Clerk shall make a certified copy from the Minutes of said Court of said bill and the action of the Judge thereon, and the sending of the same by registered mail to the Comptroller; providing that said bill shall be presented to the County Auditor before being presented to the District Judge, and the Auditor shall make his recommendation to the District Judge; providing for the payment of fees for recording sheriff's accounts; providing fees for District Clerks for making transcripts on change of venue and on appeal; and providing for such fees, and prescribing the duties of the Comptroller relative to such accounts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 555, A bill to be entitled "An Act to amend Chapter 47 of the Acts of the Regular Session of the Thirty-third Legislature, page 90 as amended by Chapter 23, Acts of the Regular Session of the Thirty-fourth Legislature, page 38, as amended by Chapter 85, Acts of the Regular Session of the Thirty-eighth Legislature, page 177, as amended by Chapter 57, Acts of the Regular Session of the Thirty-ninth Legislature, page 200, relating to the throwing, casting, discharging or deposing crude petroleum, oil, salt water, sulphur water, acid, or other unclean substances or thing in any water course or public body of water in this State, providing for the enforcement of this Act in so far as concerns protection of aquatic and marine life; providing that all pending prosecutions shall be tried under the law now in

force; providing for a penalty and the disposition of fines collected, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but in lieu thereof the committee substitute hereto attached do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 959, A bill to be entitled "An Act amending Article 5095, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 353, A bill to be entitled "An Act to amend Article 1811, Revised Civil Statutes of 1925, so as to provide for the appointment by the Court of Criminal Appeals of the State Prosecuting Attorney before said Court; prescribing the duties, qualifications and terms of office of said attorney; transferring all the duties and matters now provided by law for the "Assistant State Prosecuting Attorney" to the State Prosecuting Attorney; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 473, A bill to be entitled "An Act regulating the filing and

recording of maps and plats of subdivisions and resubdivisions of real estate and conveyances of a subdivision or part thereof without duly authorized map thereof on record, and prescribing penalties for the violation thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chariman.

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 1001, A bill to be entitled "An Act amending Article 614, Revised Criminal Statutes of Texas, 1925, governing roping contests; providing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 993, A bill to be entitled "An Act to amend Article 529 of the Penal Code; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 300, A bill to be entitled "An Act amending Article 4969 of the Revised Civil Statutes of 1925 by adding thereto Article 4969-A, providing that surety companies to act as surety and in the other capac-

ities authorized by Article 4969 may execute and deliver a bond in lieu of securities; providing the means and manner thereof and for the form thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

STEVENSON, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on Insurance, to whom was referred

S. B. No. 292, A bill to be entitled "An Act to require every insurance company not organized under the laws of this State, applying for a certificate of authority to transact any kind of insurance business in this State, except insurance companies that are required to make an investment in Texas securities, and except such companies as are required by the Statutes of this State to make a special deposit to file, before obtaining a certificate to do business in this State, with the Board of Insurance Commissioners a bond with good and sufficient surety or sureties, to be approved by and payable to the Board of Insurance Commissioners and their successors in office, in a sum equal to twenty-five per cent of its premiums collected from citizens or upon property in this State during the preceding calendar year, as shown by its annual report for such year."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

STEVENSON, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a Minority of your Committee on Insurance, to whom was referred

S. B. No. 292, A bill to be entitled "An Act to require every insurance company not organized under the

laws of this State, applying for a certificate of authority to transact any kind of insurance business in this State, etc."

Beg leave to differ with the majority of the committee and report the bill back to the Senate with recommendation that it do pass.

RAWLINGS,
MOORE,
LOY.

(Majority Report.)

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a Majority of your Committee on Insurance, to whom was referred

S. B. No. 293, A bill to be entitled "An Act to amend Article 4971 of the Revised Civil Statutes of Texas, 1925, so as to provide that the deposits therein required or therein referred to shall be for the benefit of the Texas holders of the obligations of the depositors and to repeal all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

STEVENSON, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a Minority of your Committee on Insurance, to whom was referred

S. B. No. 293, A bill to be entitled "An Act to amend Article 4971 of the Revised Civil Statutes of Texas, 1925, so as to provide that the deposits therein required or therein referred to shall be for the benefit of the Texas holders of the obligations of the depositors and to repeal all laws in conflict herewith, and declaring an emergency."

Beg leave to differ with the Majority of the committee and report the bill back to the Senate with recommendation that it do pass.

RAWLINGS,
MOORE,
LOY.

Committee Room,
Austin, Texas, April 27, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 991, A bill to be entitled "An Act to amend Article 1307 of the Revised Civil Statutes of 1925, and legalizing and validating certain notices heretofore given; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal but not otherwise.

ONEAL, Chairman.

By Harrison of H. B. No. 991.
El Paso.

A BILL To Be Entitled

An Act to amend Article 1307 of the Revised Civil Statutes of 1925, and legalizing and validating certain notices heretofore given; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1307 of the Revised Civil Statutes be and the same is hereby amended so as to hereafter read as follows:

Article 1307, Notice by Firm.—Whenever any banking, mercantile or other business firm desires to become incorporated without a change of the firm name, such firm shall, in addition to the notice of dissolution required at Common Law, give notice of such intention to become incorporated, for at least four (4) consecutive weeks in some newspaper published at the seat of State Government, and in the County in which such firm has its principal business office, if there be a newspaper in such County, and, if not, then in some newspaper published in some adjoining County; provided, however, that said notice shall only be published one (1) day in each week during said four (4) weeks. Until such notice has been so published for the full period above named, no change shall take place in the liability of such firm or the members thereof.

Sec. 2. All notices required to be given by Article 1307 heretofore, in which publication has been made

once each week for four (4) consecutive weeks, is hereby validated and legalized.

Sec. 3. The fact that Article 1307 is at present ambiguous as to the number of times each week such notice must be published creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

SIXTY-THIRD DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
April 29, 1931.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by President Pro Tem. Carl Hardin.

Committee Appointed.

The Chair announced the appointment of the following committee in accordance with Simple Resolution No. 125:

Poage, Oneal, Moore, Woodward, Berkeley, Neal, Williamson. A. W. Holt and Bob Barker.

On motion of Senator Woodward, Senator Hardin's name was added to the committee.

House Bill No. 336.

By unanimous consent, further consideration of H. B. No. 336, pending business, was postponed until tomorrow morning.

House Bill No. 884.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 884, A bill to be entitled "An Act authorizing counties having a city or cities other than county seats within their boundaries, having a population of twenty thousand and over, to provide, maintain and repair sub-courthouses and/or jails in said cities, etc., and declaring an emergency."

The committee report was adopted. The bill was read second time and passed to third reading.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 884 was put on its third reading and final passage, by the following vote:

Yeas—28.

Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Beck.	Thomason.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—28.

Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Beck.	Thomason.
Pollard.	

House Bill No. 100.

Senator Greer called up the motion spread on the Journal to reconsider the vote by which H. B. No. 100 was finally passed. The motion to reconsider prevailed.